

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

CHARLES VAUGHAN, JR.,

Plaintiff,

v.

BANK OF AMERICA,

Defendant.

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Civil Action No.: 10-0453-KD-N

ORDER

Defendant has filed a Motion to Dismiss or for More Definite Statement (doc. 9). This matter has been referred to the undersigned pursuant to 28 U.S.C. § 636 and Local Rule 72.1(a).

In his Response (doc. 15), plaintiff explains his Complaint as it applies to the named defendant and states that he is willing to file a more definite statement. The original complaint includes allegations concerning the entire loan industry, which plaintiff included by way of “context” for his allegations against this defendant. Such allegations are not only unnecessary, they cause confusion for parties and the court attempting to identify the relevant contentions. If plaintiff can state his claims against this defendant clearly, he should be allowed to do so.

Accordingly, it is hereby ORDERED that, **on or before January 24, 2011**, plaintiff shall file a proposed Amended Complaint containing a short and plain statement of his claims against this defendant only. Upon review of the proposed Amended Complaint, the court will determine whether the amendment should be allowed and, if so, whether it states a claim upon which relief may be granted. However, should plaintiff fail to file an Amended Complaint conforming to these requirements within the time allowed, the undersigned will recommend that

this action be dismissed without prejudice.

DONE and ORDERED this the 3rd day of January, 2011.

/s/ Katherine P. Nelson
UNITED STATES MAGISTRATE JUDGE